

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

KOJO SOWETO AMEEN,

Plaintiff,

v.

OFFICER BRATKA OF SCDC,

Defendant.

C/A No. 0:04-2648-GRA-BM

ORDER

[Written Opinion]

This matter came before the Court for a review of the magistrate's Report and Recommendation made in accordance with 28 U.S.C. § 636(b) and Local Rule 73.02(B)(2)(d), D.S.C., and filed June 21, 2005. Plaintiff brought this suit pursuant to 42 U.S.C. § 1983. The defendant filed a motion for summary judgment on March 11, 2005. Plaintiff filed a "motion to deny" summary judgment on April 7, 2005. The magistrate recommended granting summary judgment to the defendant. Plaintiff filed objections to the Report and Recommendation on July 8, 2005. This Court after a *de novo* review of the magistrate's Report and Recommendation, found that the report was based upon proper law and accepted and adopted the Report and Recommendation in its entirety. The Court's Order was filed on July 15, 2005.

Plaintiff on August 12, 2005 filed a second set of objections to the magistrate's Report and Recommendation. This Court finds these objections to be barred as being untimely. *See Branch v. Martin*, 886 F.2 1043, 1046 (8th Cir. 1989) ("no de novo review if objections are untimely or general").

IT IS THEREFORE ORDERED that Plaintiff's case be DISMISSED without prejudice and without issuance or service or process.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "G. Ross Anderson, Jr.", is written over a horizontal line.

G. ROSS ANDERSON, JR.
UNITED STATES DISTRICT JUDGE

Anderson, South Carolina

August 16, 2005.

NOTICE OF RIGHT TO APPEAL

Plaintiff has the right to appeal this Order within thirty (30) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure. Failure to meet this deadline, as modified by Rule 4 of the Federal Rules of Appellate Procedure, will waive the right to appeal.